

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2001-747

November 28, 2001

THE FIRST NATIONAL BANK OF DAMARISCOTTA  
Request for Waiver of the Opt-Out Fee  
Requirement of Chapter 301

ORDER GRANTING  
WAIVER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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On October 26, 2001, The First National Bank of Damariscotta (The First) filed a request for a waiver of the opt-out fee provisions of Chapter 301 (Section 2(c)(2)). The First, a customer in the Central Maine Power Company (CMP) service territory, had been receiving its electricity supply from a competitive electricity provider (CEP) under a contract that ended in April, 2001, although some branches apparently continued to receive service from that CEP through June. The First claims that it only became aware that it was receiving standard offer service when a new CEP sought its business in late August. At that point, The First contacted its original CEP for a competing offer. The First notes that if its waiver request is granted, it would ask both CEPs for their current prices and, then, act quickly to sign a contract. Absent a waiver, The First would be assessed an opt-out fee when it begins receiving service from its new CEP.

In its recent Order adopting changes to the opt-out fee provisions of Chapter 301, the Commission stated that waivers would be appropriate if a customer's default to standard offer service was beyond the customer's control or otherwise not related to gaming the standard offer service. *Order Adopting Rule and Statement of Factual and Policy Basis*, Docket No. 2000-904 at 4 (Jan. 24, 2001). The First's default to standard offer service does not appear to be related to gaming. Rather, the default occurred because The First was not aware that service from the original CEP would end when it did. In addition, although The First has been receiving standard offer service for several months and now wishes to return to a CEP, this appears to be due to a delay in The First realizing it was receiving standard offer service and the time it has taken to shop for a new CEP.

Section 10 of Chapter 301 allows the Director of Technical Analysis to grant waivers that are not inconsistent with the purposes of the rule. I find that granting this request that the opt-out fee be waived is not inconsistent with the purpose of this provision of the rule. Therefore, The First's request for a waiver of the opt-out fee is hereby granted, contingent upon service with a new CEP beginning no later than the First's second meter read date(s) following the date of this Order.

BY ORDER OF THE DIRECTOR OF TECHNICAL ANALYSIS

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Faith Huntington  
Acting Director